

ALBANY MOBILE FOOD VENDOR PILOT PROGRAM

The City of Albany recognizes that mobile food vendors promote public interest by contributing to a dynamic environment. Albany desires to be a city that employs a simple program that allows mobile food vendors while minimizing negative impacts to brick and mortar restaurants and ensuring the safety of pedestrian and vehicular traffic.

In order for the City to determine the most appropriate mobile food vendor policy to meet the needs of vendors and the public, a Pilot Program is being conducted. This Pilot Program will provide the City of Albany evaluative data for implementing a successful mobile food vendor program and will be conducted in two phases. Phase I ran from August 2014 to October 2014 and was limited in scope. Phase II will build off of the lessons learned in Phase I. Phase II will run from May 1 to October 31, 2015. Information gathered during the pilot phases will help inform a more permanent mobile food vendor policy.

The Mobile Food Vendor Pilot Program will:

- Provide the city with evaluative data and feedback in preparation for any legislation;
- Allow the flexibility to adjust operations for any unexpected consequences and ensure the program is operating as expected;
- Acquaint the public with the program;
- Allow the city to estimate cost and staffing needs; and
- Provide the city with necessary information to inform the decision-making in the existing vendor program regarding fees, locations, etc.

The City code §363-2 for the City of Albany, defines three types of food vendors that can do business in the city. (A) Curbside Vendor — A vendor who parks a motor vehicle at the licensed location in connection with the operation of one refreshment business or stand, whether the vehicle serves as the refreshment stand or not; (B) Sidewalk Vendor — A vendor who operates and locates one refreshment business or stand on the sidewalk only and who does not park a motor vehicle at the licensed location; (C) Ice Cream Truck Vendor — A vendor who sells ice cream as a primary product from one motor vehicle and along the public streets. This Pilot Program will apply only to curbside and sidewalk vendors, collectively referred to in this document as mobile food vendors.

Mobile Food Vendor Pilot Program– Phase II

The City of Albany has made changes to last year's pilot program in order to build off the success of Phase I and provide more flexibility to mobile food vendors and consumers. The following changes have been made to the program since last year's Pilot Program Phase I:

- The season has been extended. It will run from May 1 to October 31 in 2015;
- Operating hours for mobile food vendors within the public right-of-way have been extended. Operating hours within the public-rights-of-way will be 11:00 A.M. – 10:00 P.M. for 2015;
- The standard permit fee will be \$250 for 2015;
- Permits for additional locations for the same vendor will cost \$125 each. (For example, if a vendor wanted to obtain three permits for three different locations, the first one would cost \$250 and the second and third permits would cost \$125 each, for a total of \$500.);

- One (1) day permit and weekend permits will be available for 2015. One day permit fees are \$25 per day and weekend permit fees are \$40 per weekend. Ten day advance notice is required for one day and weekend permit applications;
- The number of permits available for the public right-of-way has been increased. 25 permits for mobile food vending in the public rights-of-way will be issued city-wide on a first-come, first-serve basis. This limit of 25 does not include day or weekend permits;
- The areas within the City where mobile food vendors may operate has expanded. In addition to areas zoned commercial, mobile food vendors may now request a permit within areas zoned Industrial (M-1 & C-M);
- In addition to Washington Park and Lincoln Park, the following parks are now available for mobile food vending.
 - Mullen's Park Ball Field (M-F, 6-10pm, 2 vendors)
 - Hoffman Park (M-F, 3:30-7pm, 2 vendors);
- The hours and days of the week available for operation in Lincoln Park have expanded. Operating days and hours in Lincoln Park will be Monday-Sunday, 12-7pm for 2015; and
- The number of permits available for mobile vending in Washington Park has increased from 3 to 5 for 2015.

The City of Albany especially wishes to promote mobile food vendors in areas of the City where currently there are limited or no food options.

As was the case for Phase I of the Pilot Program, mobile food vendor permits are available within public rights-of-way and city parks. Some rules of the pilot program, such as hours and days of operation, differ between the two types of permits. Please see sections C and D, below, for regulations pertaining to each type of permit.

Existing vendor permits - During the pilot program, fees and regulations for existing vendors located on State Street, Washington Avenue, the DMV parking lot, and Lincoln Park Pool will remain the same.

A. Obtaining a Permit

1. Obtain necessary inspections and permits required by state or local regulations to operate a mobile food vendor in Albany County.
2. Apply for and obtain a permit from the City Clerk's Office.
3. For the 2015 pilot program (May 1-October 31st) application fees will be \$250. Additional permits for a vendor that already has one permit through the pilot program will be \$125 each.
4. One day permits are available for a fee of \$25 per day. Applications for one day permits must be submitted to the City Clerk's Office at least 10 days in advance.
5. Weekend permits are available for a fee of \$40 per weekend. Applications for weekend permits must be submitted to the City Clerk's Office at least 10 days in advance.
6. Applications will be examined and evaluated by the Special Events Committee on a rolling basis to determine whether each vendor meets the requirements of this application based on the following criteria:
 - a. Vendor's demonstrated capabilities, professional qualifications, and experience;
 - b. The capacity of the Vendor to render the requested services to the City;
 - c. Menu Options/Variety of food offered to maximize limited space available;
 - d. Completeness of the application; and
 - e. Support of local restaurants and applicable BIDs (Public Right-of-Way only).

B. Placement and Operation of Mobile Food Vendors

1. The program permits food and non-alcoholic beverage sales only.
2. During the 2015 pilot phase, this section of the Mobile Food Program will be restricted to public rights-of-way within areas of the City zoned C-1, C-2, C-3, C-O, C-M, or M-1 and within specific areas in Washington Park, Lincoln Park, Hoffman Park, and Mullen's Park Ball Field.
3. Placement of devices related to mobile food vendors shall not obstruct or impede the pedestrian path of travel or traffic flow and shall not obstruct sight distance for drivers. This includes all related components of food trucks or carts. Mobile food vendors within public parks shall not reduce the clear pedestrian path of travel to less than five (5) feet.
4. Mobile food vendors within the Public Right-of-Way must vend to the sidewalk. No mobile food vendors are allowed to vend into the flow of traffic.
5. The use, marking, or designation of mobile food vendor spaces in no way grants any mobile vendor a vested right or property interest in any specific space, and the marked spaces may be removed if it is determined to be in the interest of public health, safety and welfare.
6. Mobile food vendors must supply, in a prominent location, trash and recycling containers sufficient in size to collect all waste and recyclables generated by customers and staff of the mobile food vendor operation. All trash and debris generated by customers and staff shall be collected by the mobile vendor and deposited in their trash or recycle container and removed from the site by the mobile vendor.
Polystyrene foam containers may not be used.
7. Mobile food vendors shall not use stakes, rods, or any method of support that is required to be drilled, driven, or otherwise fixed, in asphalt pavement, curbs, sidewalks or buildings. Mobile food vendors shall not park their vehicles on the grass.
8. No mobile food vendor shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters.
9. All mobile food vendors shall obey all applicable laws prohibiting excess noise or other nuisance.
10. Mobile food vendors seeking to operate within one of the specified locations must submit a schedule to the City Clerk's Office in which they detail the dates they will operate at a certain location. Once this schedule is approved by the City Clerk's Office, violations of the schedule for reasons other than inclement weather will result in a permit being suspended or revoked for the remainder of the Pilot program.
11. During a special event, this program is not in effect. Vendors who wish to vend inside the event footprint during special events must apply to the Special Events Office for each event separately. A one-block buffer around events will also be enforced for event pedestrian and vehicular safety.
12. If an area is closed for an emergency or other permitted activity, no vendors will be allowed to set up.
13. Permitted operations will be inspected periodically to ensure program compliance. Any violations may result in a permit being suspended or revoked based on non-adherence to rules and regulations.
14. All areas selected for the pilot phases of the Mobile Food Vendor Pilot program will be evaluated and may be expanded or removed based upon evaluative information received.
15. Mobile food vending must follow all existing codes and ordinances and shall be prohibited at the following locations:

- a. Within 20 feet of any structure built of combustible construction or within 10 feet of any structure built of non-combustible construction;
- b. Within 15 feet of any fire hydrant, fire escape, bus stop, any intersection curb radius return (the point of intersection of the street curb line and the curb radius), any doorway or driveway or other main entrance of any building, and of any emergency or fire exits;
- c. Within 1000 ft of any elementary or secondary school during regular school hours, as defined in §363-6 of the City Code; and
- d. Within 150 feet of a building in which a full-service restaurant or fast-food restaurant is located and operating, unless approval is obtained in writing from the owner of the business(es).
Documentation of this agreement must be submitted to the Special Events Office at the time of application. (Applies to Public Right-of-Way only).

C. Regulations and Requirements for Mobile Food Vendors Operating in the Public Right-of-Way

1. Between May 1, 2015 and October 31, 2015, mobile food vendor permits will be available within the public right-of-way throughout the City in areas zoned for commercial and industrial uses (C-1, C-2, C-3, C-O, C-M, and M-1). For more information on zoning in the City of Albany, please go to <http://www.albanyny.gov/Government/Departments/DevelopmentandPlanning/BZA.aspx>.
2. During the pilot program, fees and regulations for existing vendors located in the DMV parking lot and around Capital Park on State Street and Washington Avenue will remain the same. Vendors in these areas will be permitted through a separate, previously established, process. The following locations in Downtown Albany are not available for vending through the pilot program (also see attached map):
 - a) Elk Street between Eagle Street and Lark Street
 - b) Washington Avenue between Eagle Street and Lark Street
 - c) State Street between Eagle Street and Lark Street
 - d) Lark Street between State Street and Elk Street
 - e) Spring Street between Dove Street and Lark Street
 - f) Dove Street between State Street and Washington Avenue
 - g) South Swan Street between Madison Avenue and Elk Street
 - h) Eagle Street between Lancaster Street/Market Street and Spruce Street
 - i) Spruce Street
 - j) Park Street
 - k) Lancaster Street
 - l) State Street between Eagle Street and Lodge Street
 - m) Lodge Street between State Street and Columbia Street
 - n) Pine Street between Eagle Street and N Pearl Street
 - o) Columbia Street between Eagle Street and N Pearl Street
 - p) Chapel Street between Pine Street and Columbia Street
 - q) Steuben Street between Chapel Street and N Pearl Street
3. **HOURS OF OPERATION:** Hours of operation for mobile food vendors in the public-right-of-way will be determined by the Special Events Committee and City Clerk's Office during the application process based on the applicant's proposed hours of operation and the character of the proposed location, including the operating hours of neighboring businesses. The Committee shall be permitted to authorize vendor operations between the hours of 11:00AM and 10:00PM.
4. Please note the following requirements for mobile food vendors requesting a permit to operate in the public right-of-way:

- a) If proposed location is within 150 feet of one or more existing food establishments, applicant must submit letter(s) of support for his/her application from said establishments.
- b) If proposed location is within the boundaries of one of Albany's three Business Improvement Districts (BIDs), applicant must submit letter(s) of support for his/her application from the relevant BID. Contact information for each can be found below:

Downtown Albany Business Improvement District

<http://www.downtownalbany.org/>

21 Lodge Street, Floor 1, Albany, NY 12207

518-465-2143 x10

You can find the boundaries for the Downtown BID here:

<http://www.downtownalbany.org/about-bid/district-boundaries>

Central Avenue BID

<http://www.centralbid.com>

176 Central Avenue, Albany, NY 12206

518-462-4300

Lark Street BID

<http://www.larkstreet.org/>

248 Lark Street, Albany, NY 12210

518-434-3861

5. Applications for food vending permits in the public right-of-way will be issued by the City Clerk's Office and reviewed by the Special Events Committee on a rolling basis. The City Clerk's Office will issue permits to applicants that satisfy the requirements outlined above and that have been approved by the Special Events Committee using the following matrix:

2015 Mobile Food Vendor Pilot Permit for the Public Right-of-Way Special Events Committee Decision Matrix		
CRITERIA	YES	NO
Does applicant have established business located within 1/2 mile of proposed location?	+1	
Is applicant's proposed location within areas of the City zoned C-1, C-2, C-3, C-O, C-M, or M-1 and not on an off-limit street?	REQUIRED	DENIED
Are proposed hours of operation in accordance with local businesses?	REQUIRED	DENIED
If applicant's proposed location is located in a BID, does applicant have BID's support?	REQUIRED	DENIED
If applicant's proposed location is located within 150 feet of a business serving food and beverages, does applicant have written approval from said business(es)?	REQUIRED	DENIED
Vendor has demonstrated capabilities, professional qualifications, and experience.	Preferred	
Vendor has adequate availability during pilot program period.	Preferred	

Menu options are unique and appropriate.	Preferred	
Application is complete.	REQUIRED	DENIED

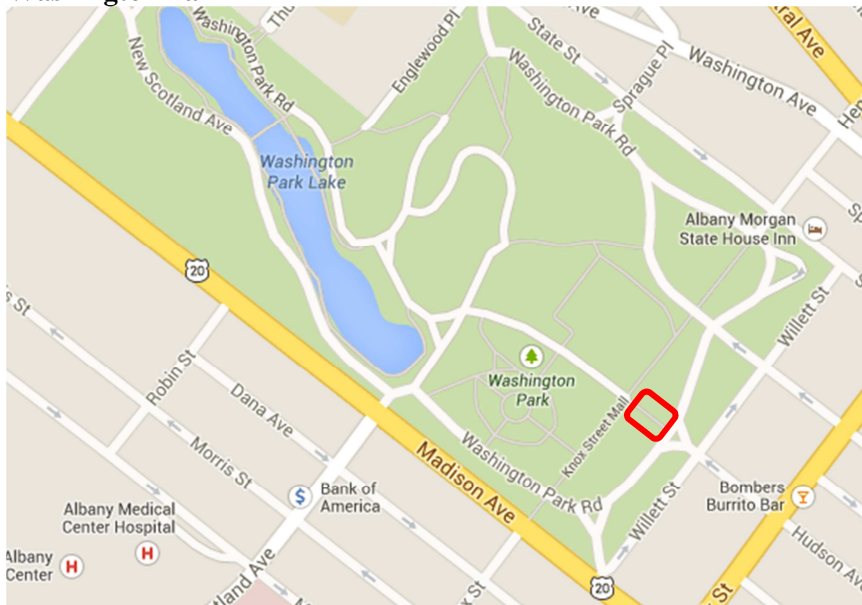
D. Regulations and Requirements for Mobile Food Vendors Operating in Public Parks

1. Between May 1, 2015 and October 31, 2015, a limited number of mobile food vendor permits will be available for select locations within City parks.
2. During the pilot program, fees and regulations for existing vendors located at Lincoln Park Pool will remain the same. Vendors in these areas will be permitted through a separate, previously established, process.
3. Park locations, hours, and number of permits available:
 - a. **Washington Park (Sa & Su, 11am-5pm; M 3-9pm)**
Maximum of **5** mobile food vendors at located between Knox Street Mall and Washington Park Road at Hudson Avenue (see highlighted area on map, below).
 - b. **Lincoln Park (M – Su, 12-7pm)**
Maximum of **3** mobile food vendors along select areas of Lincoln Park Road and to the southeast of the Sunshine School (see highlighted areas on map, below).
 - c. **Mullen’s Park Ball Field (M – F, 6 -10pm)**
Maximum of **2** mobile food vendors behind the dugout or near the picnic table area at Mullen’s Park Ball Field (see highlighted areas on map, below). Approved vendor(s) will have the option of using the existing, covered, concession area to vend.
 - d. **Hoffman Park – M-F 3:30 – 7pm**
Maximum of **2** mobile food vendors between the Gutheil Field, Haker Field, and Hoffman Fields (see highlighted areas on map, below).
4. Applications for food vending permits in the public right-of-way will be issued by the City Clerk’s Office and reviewed by the Special Events Committee on a rolling basis. The City Clerk’s Office will issue permits to applicants that satisfy the requirements outlined above and that have been approved by the Special Events Committee using the following matrix:

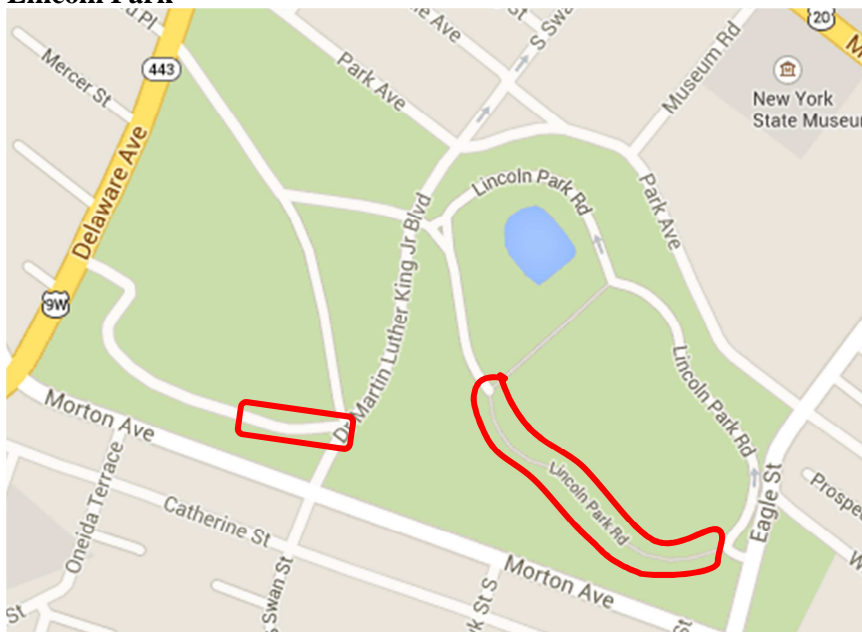
2015 Mobile Food Vendor Pilot Permit for Public Parks Special Events Committee Decision Matrix		
CRITERIA	YES	NO
Does applicant have established business located within 1/2 mile of proposed location?	+1	
Vendor has demonstrated capabilities, professional qualifications, and experience.	Preferred	
Vendor has adequate availability during pilot program period.	Preferred	
Menu options are unique and appropriate.	Preferred	
Application is complete.	REQUIRED	DENIED

5. Maps of vending areas within parks

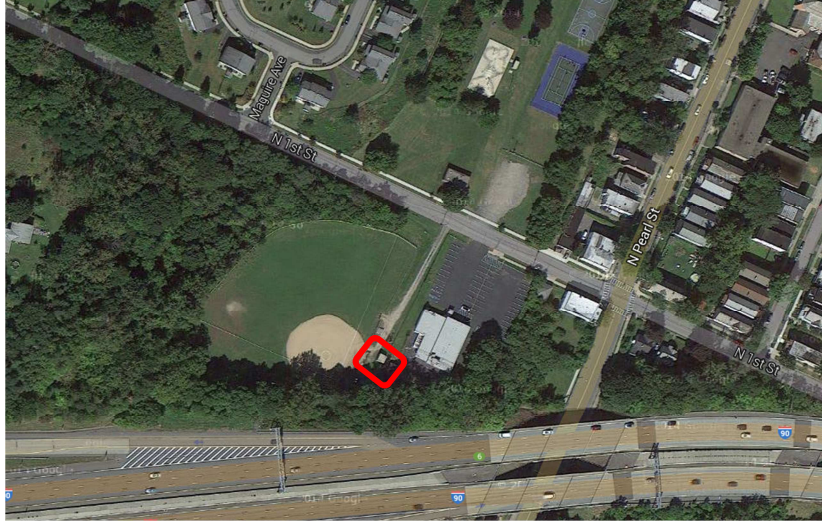
a. Washington Park



b. Lincoln Park



c. Mullen's Park Ball Field



d. Hoffman Park

